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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,637	12/21/2001	Stein A. Lundby	PA020021	1500
23696	7590	09/21/2005	EXAMINER	
Qualcomm, NC 5775 Morehouse Drive San Diego, CA 92121			ELALLAM, AHMED	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,637

Applicant(s)

LUNDBY, STEIN A.

Examiner

AHMED ELALLAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6-8 and 13 is/are rejected.
- 7) ☒ Claim(s) 2-5 and 9-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/26/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Tiedemann, JR US 2003/0039204. Hereinafter referred to as Tiedemann.

Regarding claim 6, Tiedemann discloses implementing a method by having a software module residing in a memory and executed by a processor, see paragraph [0082]. Wherein the method comprises a mobile station that decodes a forward Walsh indication channel (F-WICH) (control message that contains a set of transmission parameters associated with a data packet) wherein the mobile assumes the previous value of WALSH-SPACE, see paragraph [0061]; and if the mobile does not correctly receive the Walsh space indicator on the F-WICH in one frame, it combine the code symbols that were received in the previous frame with those in the current frame, see paragraph [0065]. (Claimed apparatus for decoding a control message that contains a set of transmission parameters associated with a data packet, comprising: a memory element, and a processing element configured to execute a set of instructions stored in the memory element, the set of instructions for: receiving a new control message, attempting to first decode the new control message using an old Walsh space that was

used to decode a previous control message, and if the old Walsh space fails to decode the new control message, then attempting to decode the new control message using a new Walsh space, wherein the new Walsh space is generated by incrementing the old Walsh space).

Regarding claim 7, Tiedemann disclose a method in which a mobile station decodes a forward Walsh indication channel (F-WICH) (claimed decoding an over-the-air transmission) wherein the mobile assumes the previous value of WALSH-SPACE, see paragraph [0061]; and if the mobile does not correctly receive the Walsh space indicator on the F-WICH in one frame, it combine the code symbols that were received in the previous frame with those in the current frame, see paragraph [0065]. (Claimed receiving a new over-the-air transmission; attempting to first decode the new over-the-air transmission using an old Walsh space that was used to decode a previous over-the-air transmission; and if the old Walsh space fails to decode the new over-the-air transmission, then attempting to decode the new over-the-air transmission using a new Walsh space, wherein the new Walsh space is generated by incrementing the old Walsh space.

2. Claims 1, 8 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Hashem et al. US (6,701,129).

Regarding claim 1, with reference to figure 1, Hashem discloses an apparatus for decoding an over-the-air transmission, wherein the apparatus comprises computing processors that have logic for executing a desired functionality. See column 8, lines 51-

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57 (claimed apparatus comprising a memory element, and a processing element configured to execute a set of instructions in the memory element) (a memory element is inherent to the system of Hashem because that is needed to store the set of instructions) the set of instruction for the implementation of:

decoding a received frame using a current link mode parameters (claimed transmission parameters) , and if the frame is the first frame of transmission the current LM is a default link mode, and if the frame is not a first frame the link mode is the most recently set link mode, see column 3, lines 40-567 and column 4, lines 1-3. (Claimed setting a current set of transmission parameters equal to a previous set of transmission parameters; decoding a received message first using the current set of transmission parameters);

determining an error rate from the decoder by digital signal processor 34 (at the remote unit 42) and providing the error correcting codes to a link mode evaluator 36,. Hashem further discloses the link mode evaluator for determining a desired Link mode (LM) from amongst the allowed LMs stored at table 32. See column 4, lines 4-19. In addition Hashem discloses a link mode adjuster 38 that determine a sequential difference for the determination f the desired link mode, see column 4, lines 29-37. (Claimed if the current set of transmission parameters fails to decode the received message, then altering the previous set of transmission parameters by an increment to derive a new set of transmission parameters, setting the current set of transmission parameters equal to the new set of transmission parameters; and decoding the received message using the current set of transmission parameters). (In accordance

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with the specification, Examiner interpreted the determination of error rate from the decoder by digital signal processor 34 of Hashem, as being the claimed failure of decoding the received signal using current transmission parameters, and the sequential difference for determining the desired LM as being the claimed altering the previous set of transmission parameters by an increment to derive a new set of transmission parameters and the setting the current set of transmission parameters equal to the new set of transmission parameters).

Regarding claim 8, with reference to figure 1, Hashem discloses an apparatus for decoding a received frame (claimed decoding transmission received over-the-air) comprising:

decoding a received frame using a current link mode parameters (claimed transmission parameters) , and if the frame is the first frame of transmission the current LM is a default link mode, and if the frame is not a first frame the link mode is the most recently set link mode, see column 3, lines 40-567 and column 4, lines 1-3. (Claimed setting a current set of transmission parameters equal to a previous set of transmission parameters; decoding a received message first using the current set of transmission parameters);

determining an error rate from the decoder by digital signal processor 34 (at the remote unit 42) and providing the error correcting codes to a link mode evaluator 36,. Hashem further discloses the link mode evaluator for determining a desired Link mode (LM) from amongst the allowed LMs stored at table 32. See column 4, lines 4-19. In addition Hashem discloses a link mode adjuster 38 that determine a sequential

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difference for the determination of the desired link mode, see column 4, lines 29-37.

(Claimed if the current set of transmission parameters fails to decode the received message, then altering the previous set of transmission parameters by an increment to derive a new set of transmission parameters, setting the current set of transmission parameters equal to the new set of transmission parameters; and decoding the received message using the current set of transmission parameters). (In accordance with the specification, Examiner interpreted the determination of error rate from the decoder by digital signal processor 34 of Hashem, as being the claimed failure of decoding the received signal using current transmission parameters, and the sequential difference for determining the desired LM as being the claimed altering the previous set of transmission parameters by an increment to derive a new set of transmission parameters and the setting the current set of transmission parameters equal to the new set of transmission parameters).

Regarding claim 13, with reference to figure 1, Hashem discloses an apparatus for decoding a received frame (claimed decoding transmission received over-the-air) comprising:

decoding a received frame using a current link mode parameters from link mode adjuster 38, (claimed means for storing set of transmission parameters), and if the frame is the first frame of transmission the current LM is a default link mode, and if the frame is not a first frame the link mode is the most recently set link mode, see column 3, lines 40-567 and column 4, lines 1-3. (Claimed means for storing a previous set of

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transmission parameters, wherein the previous set of transmission parameters was used to successfully decode a previously received transmission);

determining an error rate from the decoder by digital signal processor 34 (at the remote unit 42) and providing the error correcting codes to a link mode evaluator 36,. Hashem further discloses the link mode evaluator for determining a desired Link mode (LM) from amongst the allowed LMs stored at table 32. See column 4, lines 4-19. (Examiner interpreted the decoder 26 of being the claimed means for decoding a current transmission using the previous set of transmission parameters and decoding the current transmission using the new set of transmission parameters if the previous set of transmission parameters fails to decode the current transmission). In addition Hashem discloses a link mode adjuster 38 that determine a sequential difference for the determination of the desired link mode. see column 4, lines 29-37. (Claimed means for altering the previous set of transmission parameters to derive a new set of transmission parameters).

Allowable Subject Matter

3. Claims 2-5 and 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Chen et al, US 2002/0105929; Meier et al, US (2002/0172168); Kim et al, US (6,519,276); Lee US (6,473,395); Hu et al, US (6,456,611); Wan et al, US (6,539,205); Banister et al, US (6,567,390); Hwang, US (6,785,298) and Chung et al, US (6,731,818).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (571) 272-3097. The examiner can normally be reached on 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kizou Hassan can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHMED ELALLAM
Examiner
Art Unit 2662
9/16/2005


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